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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,045

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Maria Josephina Engelen

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT

PAPER NUMBER

2176

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/596,045	<b>Applicant(s)</b> ENGELEN ET AL.	
	<b>Examiner</b> MAIKHANH NGUYEN	<b>Art Unit</b> 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. This action is responsive to Appeal Brief filed 06/23/2010.

Claims 1-9 are currently pending in this application. Claims 9 and 10 have been cancelled. Claim 1 is an independent Claim.

In view of the Appeal Brief filed 06/23/2010, PROSECUTION IS HEREBY  
REOPENED. A new ground of rejection(s) set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by  
signing below:

/DOUG HUTTON/  
Supervisory Patent Examiner, Art Unit 2176

### Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

- a. Claims 1-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant's Admitted Prior Art** (hereinafter, "Admission") in view of **Weiss** (US 7237117 B2, filed 03/16/2001).

#### **As to Claim 1:**

Admission teaches data processing system comprising a computer having a memory for storage and retrieval of at least one application program embodying a pre-determined functionality (*e.g., a computer having a memory for storage and retrieval of at least one application program embodying a predetermined functionality*), and for storage and retrieval of at least one data-file (*e.g., for storage and retrieval of at least one data-file*), which computer comprises a user interface for entertaining communication between the computer and a user of said computer (*e.g., Such known computer comprises also a user interface for entertaining communication between the computer and the user of said computer*) [See Page 4, lines 18-22], whereby the at least one application program comprises validation

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software for checking and enabling the operability of said application program in connection with the at least one data-file (*e.g., validation software for checking and enabling the operability of this application program in connection with the concerning data-file*), and processing software for executing the said functionality in connection with the at least one data-file in dependence of said enabling by the validation software (*e.g., whereby processing software of the application program embodying a predetermined functionality in connection with the data-file only becomes operable in dependence of same being enabled by the validation software which is executed immediately prior to the processing software*) [See Page 2, lines 1-11 and Page 4, lines 26-31].

Admission does not specifically teach “the validation software is executable separately and independently from the processing software.”

Weiss teaches the validation software is executable separately and independently from the processing software (Col. 9, line 5 – Col. 10, line 50: *a separate validation software module may be provided to validate electronic ID devices outside of a firewall segregating the validation information from other user information ... the USR software 18 first validates the person's identification (500). The initial validation of the person's identification (500) may take place at the point of sale of an electronic ID device (for example, a smart card ... determines that the requestor has rights to access*

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*the type of requested data (604), the USR software 18 instructs the USR database 24 to enable access to the type of requested data (606) ... involve multiple steps of formulating a database query, querying the USR database 24, retrieving the results, assembling the results into a user friendly or user readable format, and transmitting the information to the user).*

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admission with Weiss because it would have facilitated the secure access, transfer and update of patient record information and the creation and navigation of image menus supporting the location and access of desired patient record data by a user.

**As to Claim 2:**

Admission teaches the user interface is capable to start execution of the validation software and after completion thereof communicate a result of the execution to the user (*See Specification; Page 1, lines 12- 18 and Page 2, lines 1-11.*)

**As to Claim 3:**

Admission teaches the user interface is capable to start execution of the validation software and/or to start execution of the validation software immediately followed by execution of the processing software (*see Specification; Page 2, Lines 1-11.*)

**As to Claim 4:**

Admission teaches upon selection of an application program the user interface starts execution of the validation software of said application program in connection with all available data sets and after completion thereof communicates the data- file or data-files that are operable in connection with said application program (see *Specification; Page 2, lines 1-19*).

**As to Claim 5:**

Admission teaches upon selection of a data-file the user interface starts execution of the validation software of all available application programs and after completion thereof communicates the application program or programs that are operable in connection with said data-file (*see Specification; Page 4, Lines 18-30 → a user interface for entertaining communication between the computer and the user of said computer. To this end a visual display unit may be connected to the computer for making the information accessible to the user ... the application programs that are operable on the computer comprise validation software for checking and enabling the operability of these application programs in connection with the available data-files as well as processing software for executing the functionality of these application programs in connection with the applicable data-files*).

**As to Claim 6:**

Admission teaches the user interface has a memory for storage and retrieval of a result or results from executing the validation software (*See Specification; Page 4, Lines 18-25 → a computer having a memory for storage and retrieval of at least one application program embodying a predetermined functionality ... a user interface for entertaining communication between the computer and the user of said computer.*)

**As to Claim 7:**

Admission does not specifically teach “the at least one application program and the at least one data-file relate to medical information.”

Weiss teaches the at least one application program and the at least one data-file relate to medical information (Col. 7, lines 45-55: *medical information*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admission with Weiss because it would have facilitated the secure access, transfer and update of patient record information and the creation and navigation of image menus supporting the location and access of desired patient record data by a user.

**As to Claim 9:**

Admission does not specifically teach “the at least one data-file contains information derived with an apparatus selected from the group of MRI, CT, X-ray, and ultrasound-system.”

Weiss teaches (Col. 3, lines 50-58) the at least one data-file contains information derived with an apparatus selected from the group of MRI (*MRI pictures*), CT, X-ray (*x-rays*), and ultrasound-system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Admission with Weiss because it would have facilitated the secure access, transfer and update of patient record information and the creation and navigation of image menus supporting the location and access of desired patient record data by a user.

- b. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Applicant’s Admitted Prior Art** (hereinafter, “Admission”) in view of **Weiss** as applied to Claims 1 and 7 above and further in view of **O’Rourke** (US 7225408 B2, filed 08/27/2001).

**As to Claim 8:**

The combination of Admission and Weiss does not specifically teach “the medical information is medical diagnostic information.”

O'Rourke teaches the medical information is medical diagnostic information (Col. 9, lines 22-29: *securely updating patient medical record information... to indicate that tests have been ordered, medications have been prescribed, a diagnosis has been made*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine O'Rourke with Admission as modified by Weiss because it would have facilitated transferring patient record information between portable processing devices by pre-selecting data elements comprising the patient identification information.

### **Response to Arguments**

3. Applicants' arguments filed 06/23/2010 have been fully considered but are moot in view of the new ground(s) rejection.

### **Conclusion**

4. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

### **Contact information**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached at (571) 272-4137.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MaiKhanh Nguyen/

Examiner, Art Unit 2176

/Laurie Ries/

Primary Examiner

Technology Center 2100

29 August 2010